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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

MERRILL LYNCH BUSINESS  
FINANCIAL SERVICES INC.,

Plaintiff,

06 Civ. 4802 (DMC)

vs.

**DECLARATION**

ARTHUR KUPPERMAN; E. ROSS  
BROWNE; PAULETTE KRELMAN,  
PGB INTERNATIONAL, LLC; and JP  
MORGAN CHASE BANK, NATIONAL  
ASSOCIATION,

Defendants.

E. ROSS BROWNE, of full age, declares pursuant to 28 U.S.C. §1746, as follows:

1. On advice of counsel, I would decline to answer any question which might be propounded of me at any deposition in the referenced action. I would decline on the grounds that any answer I might give might tend to incriminate me. Accordingly, I would invoke my privilege under the Fifth Amendment to the United States Constitution at this time.

2. Similarly, on advice of counsel, I would provide the same response to all written discovery, including, but not limited to, Requests for Admissions and Interrogatories at this time.

3. There is no subject matter with respect to which I am willing to answer questions in the context of the referenced action, orally or in writing at this time.

4. I expressly consent that it be deemed that I have been asked all possible questions and that I have declined to answer all possible questions, asserting the Fifth Amendment privilege in all respects in response. Without prejudice to the right to contest same, I understand that my declining to answer may result in adverse inferences or other consequences.

4. I have consulted with counsel with regard to this Declaration.

I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing is true and correct.

  
E. ROSS BROWNE

Dated: October 23, 2006

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